

DRAFT - ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ /REZONING CERTAIN REAL PROPERTY ON THE SOUTH SIDE OF HAMILTON AVENUE APPROXIMATELY 320 FEET EASTERLY OF MERIDIAN AVENUE (1560 HAMILTON AVENUE) TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, a Mitigated Negative Declaration (MND) was prepared for a previous Conditional Use Permit under File No. CP02-008, and said MND was adopted on November 15, 2006, which adoption was not protested, challenged or appealed; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to A(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves said MND prior to taking any approval actions on this project.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as A (PD) Planned Development Zoning District.

The base district zoning of the subject property shall be A Agricultural. The PD zoning of the subject property shall be that development plan for the subject property entitled, "Planned Development Zoning for Tomato Thyme," **last revised September 10, 2008.**

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. PDC07-046 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this day of November, 2008, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk



October 25, 2007
HMH 3244-00-016
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EXHIBIT "A"
REZONING

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of that Parcel A as shown on that Parcel Map filed for record on August 26, 1974, in Book 345 of Maps, page 10, Santa Clara County Records, described as follows:

BEGINNING at the southwest corner of said Parcel A,

Thence along the westerly line of said Parcel A, the following three courses;

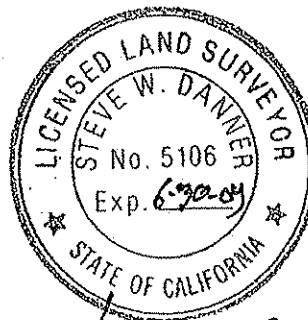
1. Thence North $00^{\circ}00'00''$ East, 237.82 feet;
2. Thence South $89^{\circ}44'00''$ East, 22.00 feet;
3. Thence North $00^{\circ}00'00''$ East, 260.00 feet to the northerly line of said Parcel A;

Thence along said northerly line South $89^{\circ}44'00''$ East, 24.68 feet to the easterly line of said Parcel A;

Thence along said easterly line South $00^{\circ}00'00''$ west, 497.72 feet to the southerly line of said Parcel A;

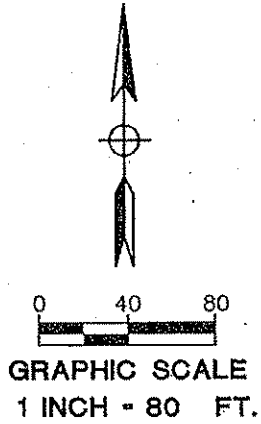
Thence along said southerly line North $89^{\circ}51'00''$ West, 46.68 feet to the Point of Beginning.

Containing 0.402 square acres, more or less.



HAMILTON AVENUE

24.68'
S89°44'00"E



S89°44'00"E
22.00'

N00°00'00"E 260.00'

S00°00'00"W 497.72'

N00°00'00"E 237.82'

P.O.B.

N89°51'00"W
46.68'

LEGEND

P.O.B. POINT OF BEGINNING

SHEET 1 OF 1

Date: 10-25-07
Scale: 1" = 80'
Designed: —
Drawn: AH
Checked: SD
Proj. Engr: —
3244PL01

HMH
ENGINEERS

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Plat to accompany description:
REZONING

SAN JOSE

CALIFORNIA